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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Osamu Funayama

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SUITE 700

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EXAMINER

PATEL, ANAND B

ART UNIT

PAPER NUMBER

2116

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/714,604	Applicant(s) FUNAYAMA, OSAMU	
	Examiner Anand Patel	Art Unit 2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-13, 15 and 16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-6, 12, 13 and 15 is/are allowed.
- 6) ☒ Claim(s) 7, 8, 10, 11 and 16 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Amendment filed 5/15/06 has been entered and as such claims 1, 14 are canceled, claims 2-13, 15 are amended and claim 16 is new.

Claim Objections

2. Claim 2 is objected to because of the following informalities: the phrase “as set forth in” is not proper grammatically. The claim also contains multiple antecedent basis issues. It appears as though the claim is supposed to depend from claim 3. For purposes of examination, Examiner will assume the phrase “as set forth in” now reads “as set forth in claim 3”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 7-8, 16 rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No 6691068 to Freed et al (Freed).

- As per claims 7-8, 16, Freed discloses an apparatus comprising:
 - An initialization part performing initialization processing of at least a part (sensor) of said apparatus upon receipt of an instruction for placing said apparatus into a standby condition (1150);

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- A standby mode shifting part shifting said apparatus to the standby mode while maintaining a state (inherent given ability of sensor to process data without any additional initialization procedures after step 1200) of said apparatus initialized by said initialization part (1200);
- A restoration part restoring said apparatus from the standby mode, according to said standby mode shifting part with said initialized state being maintained (column 15, lines 30-38).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freed in view of US Patent No 6795912 to Itoh et al (Itoh).

- As per claim 10, Freed fails to disclose specifics about the program and initialization processing. Itoh teaches wherein said program comprises a BIOS, and said initialization processing comprises a POST (column 9, lines 42-45). An advantage of the system taught by Itoh is the ability to easily switch between operating systems (column 2, lines 32-42). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Freed with the BIOS and POST as taught by Itoh. Motivation to modify is to improve system versatility.
- As per claim 11, Freed discloses initialization processing (1150) and shifting of said computer system to said standby mode (1200). Itoh teaches performing processing based on a specified shutdown of an OS (column 12, lines 10-16).

Allowable Subject Matter

7. Claims 2-6, 12-13, 15 allowed. US Patent No 6691068 to Freed et al discloses an apparatus comprising an initialization part performing initialization processing of at least a part of said apparatus, a standby mode shifting part shifting said apparatus to the standby mode while maintaining a state of said apparatus initialized by said initialization part, and a restoration part restoring said apparatus from the standby mode, according to said standby mode shifting part with said initialized state being maintained. Freed et al also disclose a boot part for performing boot processing of said apparatus by a power supply being turned on. US Patent No 6732280 to Cheek et al discloses performing initialization processing when said apparatus is shifted to a standby mode. Prior art fails to disclose or suggest a selection part capable of selectively setting whether the initialization processing according to said initialization part is made when said apparatus is shifted to the standby mode by said standby mode shifting part, or before or at the time when the boot processing is performed by said power supply being turning on.
8. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims for the reasons set forth above.

Response to Arguments

9. Applicant's arguments with respect to claims 2-13, 15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand Patel whose telephone number is (571) 272-7211. The examiner can normally be reached on Mon-Fri 8AM-4PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ABP


LYNNE H. BROWNE
SUPERVISORY PATENT EXAMINER
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